

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE AUTOMOTIVE PARTS
ANTITRUST LITIGATION

:
: MASTER FILE CASE NO. 12-md-02311
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:
:
: HON. SEAN F. COX
: MAG. JUDGE R. STEVEN WHALEN

THIS RELATES TO:

ALL END-PAYOR ACTIONS

**END-PAYOR PLAINTIFFS’ OPPOSITION TO FINANCIAL RECOVERY
SERVICES, LLC’S REQUEST TO HEAR ITS MOTION TO COMPEL
ACCEPTANCE AND PROCESSING OF VEHICLE DATA
ON AN EMERGENCY BASIS**

End-Payor Plaintiffs’ (“EPPs”) respectfully request that the Court deny non-party Financial Recovery Services, LLC’s (“FRS”) request to hear its motion to compel acceptance and processing of vehicle data (ECF No. 2114) on an expedited basis. In addition to the fact that FRS is not a party to these proceedings, having already been denied intervenor status in this litigation, and therefore has no right to file any motions at all, FRS cites no Local Rule or legal authority supporting its request to compel EPPs to respond to its motion on an expedited basis. To the contrary, Local Rule 7.1(e)(2) sets forth the briefing schedule for any non-dispositive motion. That rule states that the party opposing the motion has “14 days after service of the motion” to file a response. LR 7.1(e)(2)(B). “If filed, a reply brief supporting a nondispositive motion must be filed within 7 days after service of the response.” LR 7.1(e)(2)(C). FRS unilaterally seeks to impose an expedited schedule that would leave EPPs with only a week to respond to its motion while allowing FRS to file a reply.

FRS has provided no legitimate cause or excuse to justify its request for briefing on an expedited basis. The pendency of the appeal from this Court's order denying FRS's motion for leave to intervene provides no basis to shorten EPPs time to respond to the motion. Indeed, it is an additional reason to deny this request as this Court lacks jurisdiction to hear the underlying motion because the issues raised it in are related to, or encompassed by, FRS's appeal to the Sixth Circuit. The Sixth Circuit denied FRS's motion to hold the appeal in abeyance on February 9, 2020. The briefing schedule on that appeal was set by order of the Sixth Circuit on February 9, 2020.

EPPs respectfully request that this Court deny FRS's request for an expedited briefing and hearing schedule on its motion.

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